

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

BOROUGH OF EDGEWATER,

Plaintiff,

v.

WATERSIDE CONSTRUCTION,  
LLC; 38 COAH, LLC; DAIBES  
BROTHERS, INC.; NORTH RIVER  
MEWS ASSOCIATES, LLC; FRED A.  
DAIBES; TERMS  
ENVIRONMENTAL SERVICES,  
INC.; ALCOA INC. (formerly known as  
“Aluminum Company of America”);  
ALCOA DOMESTIC LLC, as  
successor in interest to A.P. NEW  
JERSEY, INC.; et al.,

Defendants,

WATERSIDE CONSTRUCTION,  
LLC; 38 COAH, LLC; DAIBES  
BROTHERS, INC.; NORTH RIVER  
MEWS ASSOCIATES, LLC; and  
FRED A. DAIBES,

Defendants/Third-Party Plaintiffs,

v.

NEGLIA ENGINEERING  
ASSOCIATES,

Third-Party Defendant,

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Case Nos.: 2:14-CV-05060-JMV-JBC

2:14-cv-08129-MCA-LDW

Hon. John M. Vazquez, U.S.D.J.

Hon. James B. Clark, III, U.S.M.J.

**[PROPOSED] ORDER GRANTING  
SUMMARY JUDGMENT TO  
ARCONIC**

(continued from previous page)

ALCOA DOMESTIC, LLC, as  
successor in interest to A.P. NEW  
JERSEY, INC.,

Defendant/Third-Party Plaintiff,

v.

COUNTY OF BERGEN and RIVER  
ROAD IMPROVEMENT PHASE II,  
INC., and HUDSON SPA, LLC,

Third-Party Defendants.

**THIS MATTER** having come before the Court by way of motion by Defendants/Third-Party Plaintiffs Arconic Inc. (f/k/a Alcoa Inc.) and Arconic Domestic, LLC's (f/k/a Alcoa Domestic, LLC as successor in interest to A.P. New Jersey, Inc.) (collectively "Arconic"), for an Order pursuant to Fed. R. Civ. P. 56, granting summary judgment to Arconic against North River Mews Associates, LLC ("North River"), 38 COAH, LLC ("38 COAH") and River Road Improvement Phase II, Inc. ("RRIP"); and

The Court having considered the papers in support of and in opposition to the motion, and the oral argument of the parties (if any); and for good cause shown;

**IT IS** on this \_\_\_\_ day of \_\_\_\_\_, 2020,

**ORDERED** that Arconic's motion for summary judgment is hereby **GRANTED**; and it is further

**ORDERED** that North River and 38 COAH's claims against Arconic are dismissed with prejudice; and it is further

**ORDERED** that Arconic's breach of contract claim against North River and RRIP is hereby granted.

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Hon. John M. Vazquez, U.S.D.J.